

115TH CONGRESS
2D SESSION

S. 2296

To increase access to agency guidance documents.

IN THE SENATE OF THE UNITED STATES

JANUARY 11, 2018

Mr. JOHNSON introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To increase access to agency guidance documents.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Guidance Out Of
5 Darkness Act” or the “GOOD Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **AGENCY.**—The term “agency” has the
9 meaning given that term in section 551 of title 5,
10 United States Code.

11 (2) **GUIDANCE DOCUMENT.**—The term “guid-
12 ance document”—

1 (A) means the whole or a part of an agen-
2 cy statement of general or particular applica-
3 bility and future effect that—

4 (i) is designed to implement, inter-
5 pret, or prescribe law or policy or describ-
6 ing the organization, procedure, or practice
7 requirements of an agency and includes the
8 approval or prescription for the future of
9 rates, wages, corporate or financial struc-
10 tures or reorganizations thereof, prices, fa-
11 cilities, appliances, services or allowances
12 therefor or of valuations, costs, or account-
13 ing, or practices bearing on any of the
14 foregoing; and

15 (ii) has not been issued through the
16 notice and comment process under section
17 553 of title 5, United States Code;

18 (B) includes—

19 (i) a memorandum;

20 (ii) a notice;

21 (iii) a bulletin;

22 (iv) a directive;

23 (v) a news release;

24 (vi) a letter; and

25 (vii) a blog post; and

1 (C) does not include a rule, as that term
2 is defined in section 551 of title 5, United
3 States Code.

4 **SEC. 3. PUBLICATION OF GUIDANCE DOCUMENTS ON THE**
5 **INTERNET.**

6 (a) IN GENERAL.—On the date on which an agency
7 issues a guidance document, the agency shall publish the
8 guidance document on the Internet website of the agency.

9 (b) PREVIOUSLY ISSUED GUIDANCE DOCUMENTS.—
10 Not later than 60 days after the date of enactment of this
11 Act, each agency shall publish on the Internet website of
12 that agency any guidance document issued by that agency
13 during the 10-year period ending on the date of enactment
14 of this Act.

15 (c) SINGLE LOCATION.—All guidance documents
16 published under subsections (a) and (b) by an agency shall
17 be published in a single location on the Internet website
18 of the agency.

19 (d) RESCINDED GUIDANCE DOCUMENTS.—On the
20 date on which a guidance document issued by an agency
21 is rescinded, the agency shall—

22 (1) maintain the rescinded guidance document
23 at the location described in subsection (c); and

24 (2) at the location described in subsection (c),
25 indicate—

1 (A) that the guidance document is re-
2 scinded; and

3 (B) the date on which the guidance docu-
4 ment was rescinded.

○